

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

Stephen Dancause and  
Gloria Dancause,

Plaintiffs,

-against-

Pentagroup Financial LLC,

Defendant.

**Verified Complaint and Demand for Jury  
Trial**

Now Come Plaintiffs, Stephen Dancause (individually Mr. Dancause) and Gloria Dancause (individually Mrs. Dancuse) (collectively "Plaintiffs"), by and through their attorneys, Krohn & Moss, Ltd., for their Verified Complaint against Defendant, Pentagroup Financial, LLC, ("Defendant"), allege as follows:

Nature of the Action

1. This action is brought by Plaintiffs pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

Parties

2. Plaintiffs are natural people residing in Stanley, Ontario County, New York.

3. Plaintiffs are allegedly obligated to pay a debt and are consumers as defined by 15 U.S.C. § 1692a(3).

4. Defendant is a limited liability company having its principal place of business located in Houston, Texas.

5. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiffs.

6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

#### Jurisdiction and Venue

7. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

8. Because Defendant conducts business in the state of New York, personal jurisdiction is established

9. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

#### Factual Allegations

10. During June of 2011, Defendant began placing collection calls to Plaintiffs seeking payment for an alleged debt originally owed to Chase for a credit card.

11. On June 14, 2011, Defendant called Plaintiffs from telephone number (716) 809-8072 and left a voicemail message for Plaintiffs.

12. On June 14, 2011, at approximately 9:26 AM (Plaintiffs’ local time - EST), Plaintiff Gloria Dancause called Defendant and spoke to Defendant’s employee, Kristen Reed. Ms. Reed proceeded to tell Plaintiff, Gloria Dancause, that she had all of Plaintiffs’ neighbors’ phone numbers and names, and that she will call them if Plaintiffs did not pay the alleged debt.

#### CLAIM FOR RELIEF

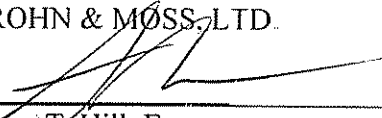
13. Defendant’s violations of the FDCPA include, but are not limited to, the following:

- a. Defendant violated §1692d of the FDCPA by making false, deceptive and misleading representations in connection with debt collection;
  - b. Defendant violated §1692e(5) of the FDCPA by threatening to call Plaintiffs' neighbors if they did not pay when Defendant did not intend such action; and
  - c. Defendant violated §1692e(10) of the FDCPA by threatening to call Plaintiffs' neighbors if they did not pay when Defendant did not intend such action.
14. Plaintiffs are entitled to their attorney's fees and costs incurred in this action.

**WHEREFORE**, Plaintiffs pray that judgment be entered against Defendant for the following:

- (1) Statutory damages of \$1,000.00, pursuant to 15 U.S.C. § 1692k;
- (2) Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
- (3) Awarding such other and further relief as may be just, proper and equitable.

Dated:

KROHN & MOSS, LTD.  
By:   
Adam T. Hill, Esq.  
Krohn & Moss, Ltd  
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Chicago, IL 60602  
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Fax: 866-289-0898  
ahill@consumerlawcenter.com  
Attorney for Plaintiffs

VERIFICATION

STATE OF NEW YORK)

:SS:

COUNTY OF ONTARIO)

Plaintiff, STEPEHEN DANCAUSE, being duly sworn, deposes and says:

1. I am a Plaintiff in this civil proceeding;
2. I have read the foregoing Verified Complaint prepared by my attorneys and I believe that all of the facts contained therein are true and correct, to the best of my knowledge, and formed after reasonable inquiry;
3. I belief that this civil Complaint is well ground in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law;
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it;
6. Each and every exhibit I have provided to my attorneys, which has/have been attached to this Complaint, is/are true and correct copy(s) of the original(s); and
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated the exhibit(s), except that some of the attached may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, STEPHEN DANCAUSE, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: Aug 17, 2011  
STEPHEN DANCAUSE

VERIFICATION

STATE OF NEW YORK)

:ss:

COUNTY OF ONTARIO)

Plaintiff, GLORIA DANCAUSE, being duly sworn, deposes and says:

1. I am a Plaintiff in this civil proceeding;
2. I have read the foregoing Verified Complaint prepared by my attorneys and I believe that all of the facts contained therein are true and correct, to the best of my knowledge, and formed after reasonable inquiry;
3. I believe that this civil Complaint is well ground in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law;
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it;
6. Each and every exhibit I have provided to my attorneys, which has/have been attached to this Complaint, is/are true and correct copy(s) of the original(s); and
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated the exhibit(s), except that some of the attached may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, GLORIA DANCAUSE, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: Aug 17, 2011  
GLORIA DANCAUSE